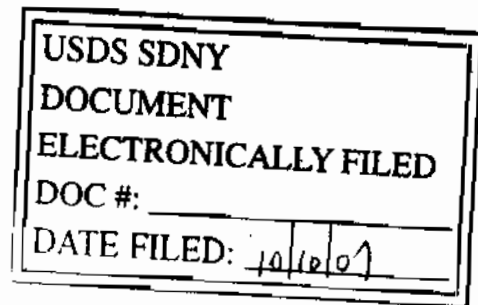


Douglas F. Broder (DB 8406)
Rebecca L. Misner (DB 8086)
KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
599 Lexington Avenue
New York, New York 10022
Telephone: 212-536-3900
Facsimile: 212-536-3901
Email: douglas.broder@klgates.com
Email: rebecca.misner@klgates.com



Mark D. Baute (California State Bar No. 127329)
BAUTE & TIDUS LLP
777 South Figueroa Street, Suite 4900
Los Angeles, California 90017
Telephone: (213) 630-5000
Facsimile: (213) 683-1225
Email: mbaute@bautejaw.com

Attorneys for Plaintiff GUESS?, Inc.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GUESS?, Inc., a Delaware corporation,

Plaintiff,

v.

JHANE BARNES PROPERTIES, INC., a New
York corporation, and JOHN DOES 1 through
20, inclusive,

Defendants.

Index Number: 07-CV-7308 (CM)

Judge: Honorable Colleen McMahon

**NOTICE OF DISMISSAL WITHOUT
PREJUDICE**

F.R.C.P. 41(a)(1)(i)

Conference

Date: October 12, 2007

Time: 11:45 a.m.

Courtroom: 21B

TO THE COURT:

Pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, and pursuant to a settlement agreement by and between the parties, plaintiff GUESS?, Inc., hereby requests dismissal of this action in its entirety without prejudice, each side to bear its own fees and costs.

Dated: October 5, 2007

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP

Douglas F. Broder, Esq. (DB 8406)
599 Lexington Avenue
New York, New York 10022
Telephone: 212-536-3900
Facsimile: 212-536-3901
Email: douglas.broder@klgates.com

Attorneys for Plaintiff, Guess?, INC.

BAUTE & TIDUS LLP

By: 

Mark D. Baute, Esq.
(California State Bar No. 127329)
Admitted Pro Hac Vice
777 South Figueroa Street, Suite 4900
Los Angeles, California 90017
Telephone: 213-630-5001
Facsimile: 213-683-1225
Email: MBaute@bautelaw.com

Attorneys for Plaintiff, Guess?, Inc.